

Attachment 1

Serial No.: 10/072,032
Attorney Docket No.: 2A08.1-011
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: STEIN, Allen R.)

Serial No.: 10/072,032)

Filed: February 7, 2002)

For: "DISPLAY RACK WITH
MULTIPLE BOARD SIZE")

Group Art Unit: 3634

Examiner: Novosad, J.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 11, 2004

DECLARATION OF LARRY HUNN UNDER 37 CFR § 1.132

I, Larry Hunn, of Dunwoody, Georgia, freely give this Declaration:

1. I am of the age of majority, and am competent to give this Declaration.
2. I understand that Allen Stein is the inventor of the Display Rack with Multiple Board Size, which is described and shown in the above-referenced patent application.
3. I have reviewed Mr. Stein's above-referenced patent application, including the claims thereof, as amended by the Response and Amendment filed on or about December 5, 2003.
4. I have substantial personal knowledge and experience in the field of display devices, and in fact I am the named inventor on U.S. Patent No. 6,237,782, one of the references identified by the Examiner and previously identified by the Applicant, in Mr. Stein's above-referenced patent application. I am also a named inventor on U.S. Patent No. 5,806,688 and U.S. Patent No. Des. 386,919, which are also directed to the display device field
5. I have reviewed U.S. Patent No. 3,568,852 to Howard and U.S. Patent No. 5,452,809 to Capel, and a number of other references that have been cited in Mr. Stein's above-referenced patent application.

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6. Having undertaken this review, I am convinced that the invention specified by Claims 23 and 24 of Mr. Stein's above-referenced patent application, as amended by the Response and Amendment filed on or about December 5, 2003, define an invention that is novel, and that would not be obvious to a person of ordinary skill in the field of display device design in view of the Howard '852 patent, the Capel '809 patent, and/or the other references that I have considered, either separately or taken in combination.
7. For example, my review of the Howard '852 patent shows that it does not include any sort of display panel mounted to a rack, as called for in the claims of Mr. Stein's patent application, as these terms would be understood by a person skilled in this field. Instead, this patent shows a rack with brackets slidable along a horizontal support rod, and with removable sample books having their handles hooked over those brackets.
8. Nor does the '852 patent show any pivotal connection between components, as would be understood by a person skilled in this field, which is specifically called for in the claims of Mr. Stein's patent application.
9. Moreover, the portions of the sample books that the Patent Examiner has indicated in red on the marked-up copy of Fig. 1 of the Howard '852 patent that was attached to the Office Action of January 22, 2004, cannot properly be considered a "display surface", as that term would be understood by a person skilled in this field. Rather, these portions are a binder used to hold a collection of commonly-sized carpet samples together, which do not (and typically would not) have any sort of material sample mounted thereon.
10. In my opinion, a person of ordinary skill in the field would not be motivated to combine the Howard '852 patent and the Capel '809 patent as the Examiner has suggested in the Office Action of January 22, 2004. And even if such a combination were made, it still would not suggest Mr. Stein's claimed invention.

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11. For example, the Howard '852 patent states that one of its objectives is to maintain "a preadjusted acute angularity" of the carrier brackets for the sample books with respect to the support bar. The patent further describes the opening structure and "flaps" used by the Howard device to maintain the sample books in this fixed angularity. Modifying the Howard device as the Examiner has proposed, to include some "pivotal" mounting mechanism, would run completely counter to this stated objective of maintaining a fixed angularity. In view of this, it is my opinion that a person skilled in this field would not consider making such a modification to the device.
12. In addition, providing a pivotal connection between the sample books and the rack of the Howard device would be inconsistent with the need for the sample books to be removable from the bracket hooks to permit a customer to flip through the sample pages of the books, as such devices are typically used, and as a result would render the device at least partly inoperable for its intended manner of use. This would be a further disincentive for a person skilled in this field to modify the Howard device as suggested in the Office Action.

I hereby declare under penalty of perjury that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: 

Larry Hunn

Date: 11 FEBRUARY 2004

